

Case No. 2:25-cv-00885-JAD-NJK

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHAUNTEZ DAY,
Plaintiff,

v.

MIDFIRST BANK; MIDLAND MORTGAGE; QUALITY LOAN SERVICE CORPORATION;
MCCARTHY & HOLTHUS LLP,
Defendants.

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
JUL 10 2025	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <i>Ammi</i>	DEPUTY

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**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND INJUNCTIVE
RELIEF TO HALT FORECLOSURE SALE SCHEDULED FOR JULY 11, 2025**

[Expedited Consideration Requested Pursuant to LR 7-4]

TO THE HONORABLE COURT:

Plaintiff SHAUNTEZ DAY respectfully moves this Court for an Emergency Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b) and Local Rule 7-4 to enjoin and restrain the scheduled non-judicial foreclosure sale of Plaintiff's real property currently set for July 11, 2025, located at 6855 Desert Island St. Las Vegas Nevada 89149, Clark County, Nevada, APN: 125-19-615-031.

I. GROUNDS FOR EMERGENCY RELIEF

Plaintiff has filed suit asserting claims for violations of RESPA, lack of standing due to defective chain of title, irregularities in the promissory note and assignments, and unlawful servicing and securitization activity.

A foreclosure sale is imminent and set to occur on July 11, 2025, despite this pending federal action, creating a direct conflict with the Court's jurisdiction and risking irreparable harm.

Defendants have not demonstrated legal standing or authority to foreclose, nor have they properly responded to Plaintiff's Qualified Written Request under 12 U.S.C. §2605(e).

Plaintiff will suffer irreparable harm if the foreclosure sale proceeds before adjudication of this matter, including loss of primary residence, equity in excess of \$340,000, and deprivation of

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constitutionally protected due process and property rights under the Fifth and Fourteenth Amendments.

Plaintiff has shown likelihood of success on the merits, as reflected in the filed Complaint and Opposition to Defendants' Motion to Dismiss, and has met the *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008) standard.

Foreclosure while federal litigation is pending interferes with the Court's jurisdiction and threatens the integrity of the judicial process.

Defendants have failed to produce any verified documentation establishing legal standing or authority to proceed with foreclosure, triggering further due process violations.

A Lis Pendens has been recorded with the Clark County Recorder, giving constructive notice that title is in lawful dispute.

II. LEGAL STANDARD

Emergency injunctive relief is appropriate under FRCP 65(b) where:

- The movant is likely to succeed on the merits,
- Will suffer irreparable harm absent relief,
- The balance of hardships tips in movant's favor, and
- The injunction is in the public interest.

See *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–35 (9th Cir. 2011).

III. REQUESTED RELIEF

Issue a Temporary Restraining Order immediately enjoining and prohibiting Defendants, their agents, representatives, or any trustee, including Quality Loan Service Corporation, from conducting or proceeding with the foreclosure auction scheduled for July 11, 2025;

Set an expedited hearing date for a preliminary injunction within 14 days, as required under FRCP 65(b)(3);

Require Defendants to produce verified documentation establishing legal authority, agency, and standing to foreclose, pursuant to Rule 17(a);

Grant such other and further relief as this Court deems just and proper to preserve the status quo and avoid irreparable injury.

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IV. VERIFICATION AND SUPPORTING DOCUMENTS

- Plaintiff's Verified Complaint (ECF No. 1)
- Opposition to Defendants' Motion to Dismiss
- Supplemental Judicial Briefing Note
- Qualified Written Request (QWR) submitted under 12 U.S.C. § 2605(e)
- Motion to Show Authority of Counsel
- Supplemental Declaration of Plaintiff
- Notice of Lis Pendens recorded with Clark County Recorder

Respectfully submitted this 9th day of July, 2025.



/s/ Shauntez Day

Shauntez A. Day

Plaintiff, Propria Persona

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